

REMARKS

Prior to entry of the amendments above, claims 1-15 are pending and at issue in this application. Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has noted that claims 8-15 would be allowable if amended to overcome the § 112 rejection. Claims 1-7 also are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of US Patent No. 7,154,640. Applicant hereby adds new dependent claim 16. In keeping with the foregoing amendments and the following argument, reconsideration of the rejected claims and allowance of the newly submitted claim is respectfully requested.

35 U.S.C. § 112 Rejections

In response to the § 112 rejection, Applicant has amended each claim to clarify each of the limitations referred to in the action, and to provide full antecedent basis for the terms of the claims. Claim 1 is also amended to include structural limitations rather than any process limitations in the claim language. For example, amended claim 1 now clarifies that the first and second discs or mirrors in the scanning apparatus are adapted to process radiation from a scene being scanned. Accordingly, claim 1 is in allowable form.

Applicant has amended independent claims 6 and 8 in a similar fashion, and have made corresponding clarifications throughout all of the dependent claims. New claim 16, which depends from claim 11, has been drafted in accordance with the language of the amended claims. Accordingly, the § 112 rejections are overcome, and claims 1-15 are in allowable form, as is new claim 16.

In response to the obvious-type double patenting rejection, the assignee of the present application, Farran Technology Limited, does not appear to be the owner of the cited patent, US Patent No. 7,154,640 to Ishihara, which is instead assigned to Canon Kabushiki Kaisha. Moreover, the language referred to in the action does not match the language in claim 1 of the '640 patent to Ishihara. Accordingly, Applicant respectfully requests clarification.

In view of the foregoing, the above-identified application is in condition for allowance. In the event there are any remaining issues that the Examiner believes can be resolved by telephone, the Examiner is respectfully invited to contact the undersigned attorney at (312) 474-6300.

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Respectfully submitted,

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